

REMARKS

Applicants acknowledge with appreciation the courtesies extended by Examiners Morris and Vo to applicants' representatives during the June 1, 2005 in person interview and the telephonic discussions prior to the interview. During the prior telephonic discussions, applicants explained that United States patent 5,830,387 fails to teach or suggest a small pore area material comprising acetic acid, as required by applicants' claim 37 or a small pore area material or a low density microcellular material comprising a carboxylic acid, as required by applicants' claims 40 and 115. Applicants also explained that United States patent 6,005,012 fails to teach or suggest an organic, small pore area material in which its minimum dimension is greater than 3 inches, as required by applicants' claims 1 and 2. At the commencement of the in person interview, the Examiners withdrew the outstanding claim rejections.

During the interview, the Examiners made of record United States patents 6,037,032 and 5,494,940. As detailed below, applicants proposed amending the claims to more particularly define their invention. The Examiners agreed that these amendments are patentable over the prior art of record.

For the Examiner's convenience, the pending claims can be considered in the following groups:

(1) independent claims 1 and 2, and dependent claims 3-16, 19-24, 25-36, 38, 53, 84-85, 90-93, 95-112, 114 and 128, which recite an organic, small pore area material

comprising a monolithic aerogel in which its smallest dimension is greater than about 3 inches and is substantially free of cracks;

(2) independent claims 37 which recites a small pore area material comprising acetic acid; and independent claims 40 and 115, and dependent claims 41, 43-51, 116, 118-126, which recite a small pore area material (claims 40, 41 and 43-51) or a low density microcellular material (claims 115, 116 and 118-126) comprising carboxylic acid as a solvent.

Group 1 Claims

During the interview, applicants proposed amending the Group 1 claims to further recite that “the average pore diameter is between about 550 nm and about 1000 nm”. As discussed, this proposal was based on the disclosure in applicants’ specification of small pore area materials having an average pore diameter between about 50 nm and about 1000 nm, and the understanding that United States patent 5,494,940 (“the ‘940 patent”) disclosed a porous body material having an average pore diameter of up to about 500 nm. However, due to a misunderstanding of the ‘940 patent, the proposed amendment unduly and unnecessarily restricts the scope of the Group 1 claims. The ‘940 patent does not disclose a material having an average pore diameter of up to about 500 nm. Rather, it discloses an average pore diameter up to about 500 Å (*i.e.*, 50 nm). Applicants’ misunderstanding was based on an incorrect conversion of units (from nm to Å). Further, applicants’ specification discloses small pore area materials having an average pore diameter of up to about 25 µm.

Applicants have herein amended the claims to recite that “the average pore diameter is between about 55 nm and about 25 μm ”. For the same reasons that the previously proposed amendments were supported and allowable, the amendments presented herein are, too, supported and allowable.

Group 2 Claims

Also during the interview, applicants proposed amending claims 37 and 38 to recite that “the acetic acid is incorporated into the small pore area material structure”.

Applicants have herein amended claims 37 and 38 accordingly.

THE AMENDMENTS

Claims 1-16, 19-38, 40-41, 43-51, 53, 84-85, 90-93, 95-112, 114-116, 118-126 and 128 are pending in the present application. Applicants have amended claims 1, 2, 4, 9-13, 20-24 and 37-38 and canceled claims 17-18, 39, 42, 52, 54-83, 86-89, 94, 113, 117, 127, 129-139.

Applicants have amended claims 1, 2, 37 and 38 as discussed above. These amendment are supported by the specification. See, e.g., page 13, lines 4-6, page 15, lines 1-10, and page 17, lines 15-30.

Applicants have amended claim 4 to recite that the surface area is “greater than about 200 m^2/g ” rather than “less than about 200 m^2/g ”. This amendment is supported by the specification. See, e.g., page 18, lines 18-24.

Applicants have amended claims 9-13 and 20-24 to correct inadvertent and obvious typographical errors.

Applicants have added new claims 140-151, dependent from claims 1, 2, 37, 40 or 115, now understood to be allowable. These dependent claims are directed to more preferred embodiments of the invention. Support for new claims 140-144 may be found at specification page 14, lines 22-27 and page 15, line 32 through page 15, line 4. Support for new claim 145 may be found at specification page 18, lines 18-24. Support for new claims 146 and 149 may be found at specification page 26, line 28-31 and page 27, lines 12-18. Support for new claims 147 and 150 may be found at specification page 27, lines 8-9. Support for new claims 149 and 151 may be found at specification page 32, lines 15-24 and page 32, line 11.

None of these amendments adds new matter and their entry is requested.

Applicants request allowance of the present application in view of the foregoing amendments.

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CONCLUSION

In view of the foregoing remarks, applicants respectfully request reconsideration and early allowance of the pending claims in this application.

Respectfully submitted,



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